

(c) Tomatoes showing any effects of freezing.

(d) Puffiness which causes the tomato to be distinctly light in weight.

(e) Growth cracks, when not well healed, or when so extensive, deep or discolored that the appearance of the tomato is seriously affected.

(f) Scars (except catfaces), when dark colored and shallow and aggregating more than ½ inch in diameter on a tomato 2½ inches in diameter, or lighter colored, shallow scars covering a greater area when they detract from the appearance to a greater extent than a darkcolored, shallow scar ½ inch in diameter. Smaller tomatoes shall have lesser areas of scars and larger tomatoes may have greater areas: *Provided*, That such scars do not affect the appearance of the tomatoes to a greater extent than that caused by scars which are permitted on a 2½-inch tomato.

(g) Dry rot such as dry type Macrorosporium or Phoma, when the spot is not adjacent to the stem scar, or when adjacent to the stem scar and more than ¼ inch in diameter.

(h) Fruit actually infested with worms.

(4) Free from damage caused by:

- (i) Stains; and,
- (ii) Adhering husk; or,
- (iii) Other means.

(d) Kernels:

- (1) Reasonably well developed; and,
- (2) Not badly misshapen.

(3) Free from:

- (i) Rancidity;
- (ii) Decay;
- (iii) Mold; and,
- (iv) Insect injury.

(4) Free from damage caused by:

- (i) Shriveling; and,
- (ii) Discoloration; or,
- (iii) Other means.

(e) Size: The size shall be specified in connection with the grade in terms of minimum diameter, minimum and maximum diameters, or in accordance with one of the size classifications in Table I.

TABLE I

Size classifications	Maximum size—Will pass through a round opening of the following size	Minimum size—Will not pass through a round opening of the following size
Round type varieties:		
Jumbo	No maximum	56/64 inch.
Large	56/64 inch	49/64 inch.
Medium	49/64 inch	45/64 inch.
Small	45/64 inch	No minimum.
Long type varieties:		
Jumbo	No maximum	47/64 inch.
Large	48/64 inch	44/64 inch.
Medium	45/64 inch	34/64 inch.
Small	35/64 inch.	No minimum.

Subpart—United States Standards for Grades of Filberts in the Shell ¹

SOURCE: 35 FR 11453, July 17, 1970, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981.

GRADE

§51.1995 U.S. No. 1.

“U.S. No. 1” consists of filberts in the shell which meet the following requirements:

- (a) Similar type; and,
- (b) Dry.
- (c) Shells:
 - (1) Well formed; and,
 - (2) Clean and bright.
- (3) Free from:
 - (i) Blanks; and,
 - (ii) Broken or split shells.

(f) Tolerances: In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are permitted as specified:

(1) *For mixed types.* 20 percent for filberts which are of a different type.

(2) *For defects.* 10 percent for filberts which are below the requirements of this grade: *Provided*, That not more than one-half of this amount or 5 percent shall consist of blanks, and not more than 5 percent shall consist of filberts with rancid, decayed, moldy or insect injured kernels, including not more than 3 percent for insect injury.

(3) *For off-size.* 15 percent for filberts which fail to meet the requirements for the size specified, but not more than two-thirds of this amount, or 10 percent shall consist of undersize filberts.

¹Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with other applicable State laws and regulations.

Agricultural Marketing Service, USDA

§ 51.2008

APPLICATION OF STANDARDS

§ 51.1996 Application of standards.

(a) The grade of a lot of filberts shall be determined on the basis of a composite sample drawn from containers in various locations in the lot. However, any container or group of containers in which the filberts are obviously of a quality, type or size materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

(b) In grading the sample, each filbert shall be examined for defects of the shell before being cracked for kernel examination. A filbert shall be classed as only one defective nut even though it may be defective externally and internally.

DEFINITIONS

§ 51.1997 Similar type.

Similar type means that the filberts in each container are of the same general type and appearance. For example, nuts of the round type shall not be mixed with those of the long type in the same container.

§ 51.1998 Dry.

Dry means that the shell is free from surface moisture, and that the shells and kernels combined do not contain more than 10 percent moisture.

§ 51.1999 Well formed.

Well formed means that the filbert shell is not materially misshapen.

§ 51.2000 Clean and bright.

Clean and bright means that the individual filbert and the lot as a whole are practically free from adhering dirt and other foreign material, and that the shells have characteristic color.

§ 51.2001 Blank.

Blank means a filbert containing no kernel or a kernel filling less than one-fourth the capacity of the shell.

§ 51.2002 Split shell.

Split shell means a shell having any crack which is open and conspicuous for a distance of more than one-fourth

the circumference of the shell, measured in the direction of the crack.

§ 51.2003 Damage.

Damage means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which materially detracts from the appearance, or the edible or marketing quality of the filberts. The following specific defects shall be considered as damage:

(a) Stains which are dark and materially affect the appearance of the individual shell.

(b) Adhering husk when covering more than 5 percent of the surface of the shell in the aggregate.

(c) Shriveling when the kernel is materially shrunken, wrinkled, leathery or tough.

(d) Discoloration when the appearance of the kernel is materially affected by black color.

§ 51.2004 Reasonably well developed.

Reasonably well developed means that the kernel fills one-half or more of the capacity of the shell.

§ 51.2005 Badly misshapen.

Badly misshapen means that the kernel is so malformed that the appearance is materially affected.

§ 51.2006 Rancidity.

Rancidity means that the kernel is noticeably rancid to the taste. An oily appearance of the flesh does not necessarily indicate a rancid condition.

§ 51.2007 Moldy.

Moldy means that there is a visible growth of mold either on the outside or the inside of the kernel.

§ 51.2008 Insect injury.

Insect injury means that the insect, frass or web is present inside the nut or the kernel shows definite evidence of insect feeding.